

Proposed Re-Draft of Section 606 of the Communications Act of 1934
(49 Stat. 1064, 47 U.S.C. 1, et seq. (1934))

Sec. 606(a) In time of war, or when the President has determined by proclamation that the national security is endangered by the conduct of another government, he may:

(1) direct that such communications as he determines to be essential to the national security have priority with any person subject to this Act,

(2) suspend or amend the regulations applicable to, or cause the closing of or the removal of equipment pertaining to, or authorize the use or control by any governmental department of any:

(i) device capable of emitting electromagnetic radiations;

(ii) facility or station for radio communication;

(iii) facility for wire communication;

(3) direct that, any provision of this Act to the contrary notwithstanding, any of the following may be accomplished only pursuant to regulations promulgated by the President:

(i) the furnishing of reports by common carriers of the positions of vessels or aircraft to newspapers of general circulation;

(ii) the transmission of signals or communications by foreign flag vessels or aircraft within the maritime jurisdiction of the United States;

(iii) the emergency or temporary transmission of signals or communications, either by any member of the Armed Forces of the United States over any radio facility requiring a licensed operator, or by any person over any vessel or aircraft radio facility;

(iv) the establishment of priorities between military and distress messages;

(v) intercommunications by radio stations in the mobile service.

(4) direct that, any provisions in this Act to the contrary notwithstanding, the Armed Forces of the United States may order the emergency movements of vessels or aircraft whenever they deem necessary;

(5) employ the Armed Forces of the United States to prevent interference with interstate or foreign communications by radio or wire.

(b) Pursuant to subsection (a) of this section, the President is authorized to:

(1) exercise the powers granted in subsections (a)(1), (2), (3), (4), and (5):

(i) within the jurisdiction of the United States, its territories and possessions;

(ii) no longer than six months after the termination of hostilities incident to war, or the termination of the proclaimed danger to the national security;

(iii) at and for such times as he may determine;

(2) change, suspend or annul actions taken thereunder;

(3) designate a person or persons, board or boards or the Commission to whom, or which, he may delegate the powers granted him by subsection (a) of this section;

(4) issue orders directly, or delegate the powers granted him in subsection (a) of this section to a person or persons, board or boards, or the Commission.

(c) Any person who complies with a direction by the President issued pursuant to subsection (a)(1) of this section is not criminally or civilly liable for action taken in such compliance.

(d) The President is to make just compensation to any person who owns a facility of a type listed in subsections (a)(2)(1), (ii) or (iii) of this section and who is damaged on account of any action taken by the President pursuant to subsection (a)(2) of this section. The President is to determine the just compensation and certify that amount to the Congress for appropriation and payment. If the amount certified and appropriated is unsatisfactory to the person concerned, he is to be paid 75 per centum of the amount; and thereupon he becomes entitled to sue the United States for the difference between the 75 per centum paid and the amount deemed by him to constitute just compensation. Such suit is to be brought pursuant to paragraph 20 of section 24, or to section 145, of the Judicial Code (28 U.S.C. 1, et seq.), as amended.

(e) Any person who does or causes to be done any act prohibited by, or fails to do or causes or acquiesces in the failure to do any act required to be done by, the exercise of the President's authority under this section, upon conviction thereof, is to be punished for each such offense:

(1) by a fine of not more than \$1,000 or by imprisonment for one year, or both, if such person be a private individual;

(2) by a fine of not more than \$5,000 if such person be an association, corporation or partnership;

(3) by a fine of not more than \$20,000 or by imprisonment for not more than 20 years, or both, if such person acted with intent to aid a foreign nation or with intent to injure the United States.

(f) This section is not to be construed to:

(1) authorize the President to make any amendment to the rules and regulations of the Commission which the Commission would not be authorized to make;

(2) amend or repeal the laws, or impair the powers, of any of the States in relation to taxation or police power except whenever such laws may affect the transmission of government communications or the issue of stocks or bonds by an interstate communication system;

(3) repeal or modify section 6 or section 20 of the Clayton Act (15 U.S.C. 12, et. seq.), as amended.